

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

2019 APR -2 PM 12:11

DEPUTY CLERK

PL

UNITED STATES OF AMERICA

v.

NO.

JOSE PIOQUINTO GUZMAN

3-19CR-164-M

FACTUAL RESUME

In support of Jose Pioquinto Guzman's plea of guilty to the offense in Count One of the Information, Guzman, the defendant; Cynthia Barbare, the defendant's attorney, and the United States of America (the government) stipulate and agree to the following:

ELEMENTS OF THE OFFENSE

To prove the offense alleged in Count One of the Information, charging a violation of 18 U.S.C. § 922(g)(1), that is, felon in possession of a firearm, the government must prove each of the following elements beyond a reasonable doubt:¹

- First.* That the defendant knowingly possessed a firearm as charged in the Information. A "firearm" means any weapon that will or is designed to or may readily be converted to expel a projectile by the action of an explosion;
- Second.* That the defendant, before he possessed the firearm, a court of law convicted him of a crime punishable by imprisonment for a term in excess of one year, that is, a felony offense; and
- Third.* The possession of the firearm was in and affected interstate commerce; that is, at some time before the defendant possessed the firearm, it had traveled at some time from one state to another.

¹ Fifth Circuit Pattern Jury Instruction 2.43D (5th Cir. 2015).

STIPULATED FACTS

JM
1. Jose Pioquinto Guzman, the defendant, admits that from on or about May 24, 2018, through on or about August 24, 2018, in the Dallas Division of the Northern District of Texas, he, having been convicted of a crime punishable by imprisonment for a term exceeding one year, did knowingly and unlawfully possess in and affecting interstate and foreign commerce a firearm, to wit: a Colt, M4LE, 5.56 mm caliber rifle bearing serial number SKD351 (the "firearm").


JM
2. The defendant admits that before he had possessed the firearm, the firearm had been manufactured outside the State of Texas and it traveled to Texas. The defendant further admits that he knew at the time he possessed the firearm, that he had been convicted of a felony crime and served a sentence of over one year in prison. The defendant further admits that he has no right to the firearm, and he disavows any legal claim to the firearm.


JM
3. The defendant agrees that the defendant committed all the essential elements of the offense(s). This factual resume is not intended to be a complete accounting of all the facts and events related to the offense charged in this case. The limited purpose of this statement of facts is to demonstrate that a factual basis exists to support the defendant's guilty plea to Count One of the Information.

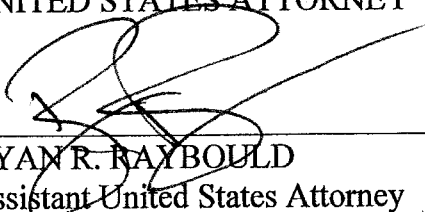
[Nothing further on this page.]

AGREED TO AND STIPULATED on this 29th day of March, 2019.

ERIN NEALY COX
UNITED STATES ATTORNEY


JOSE PIOQUINTO GUZMAN
Defendant


CYNTHIA BARBARE
Attorney for Defendant


RYAN R. RAYBOULD
Assistant United States Attorney
Kansas State Bar No. 25429
1100 Commerce Street, Third Floor
Tel: 214-659-8713
Email: ryan.raybould2@usdoj.gov